

REMARKS

Claims 42-62 were previously pending in this application. By this amendment, Applicant is canceling claims 42-62 without prejudice or disclaimer. Applicant expressly reserves the right to pursue the subject matter of the canceled claims in one or more continuing applications. New claims 63-85 have been added. The claims are a substantial duplicate of the previously pending claims but are directed to antibodies or fragments thereof that comprise one of the CDR3s provided by Applicant. The Examiner has indicated that such claims would be allowable. In addition, dependent claim 73 directed to single chain antibodies has been introduced. Support for the newly added claims can be found, for example, on pages 2-6 and 26 of the specification and in the claims as originally filed. As a result, claims 63-85 are pending for examination with claims 63 and 80-82 being independent claims. No new matter has been added.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 58-60 pending prior to this amendment were allowable.

Interview with Examiner VanderVegt

Applicant respectfully thanks Examiner VanderVegt for conducting an interview with Applicant's representative. During the interview Applicant's representative discussed possible claim amendments with the Examiner. Although no agreement was reached, Applicant thanks the Examiner for indicating that claims directed to antibodies and fragments thereof which comprise a CDR3 of one of the deposited antibodies provided in the specification would be allowable. Applicant further thanks the Examiner for indicating that compositions comprising such a CDR3 would also be allowable.

Rejections under 35 U.S.C. §112

The Examiner rejected claim 42-57 and 61-62 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicant disagrees with the Examiner. Applicant maintains that the claims as pending prior to this amendment satisfied the written description requirement. Applicant states that the specification provides a sufficient recitation of conservative substitutions, such that one of ordinary skill in the art would recognize that Applicant had possession of the prior claimed invention. In addition, Applicant wishes to point out to the Examiner that at least the deposit of the hybridomas that produce the antibodies from which the CDR sequences are obtained is adequate to demonstrate possession of the sequences for such CDRs. However, in order to expedite the prosecution of this application, Applicant has canceled claims 42-57 and 61-62; and therefore, the rejection is now moot.

Accordingly, withdrawal of the rejection of claims 42-57 and 61-62 under 35 U.S.C. §112 is respectfully requested.

The Examiner also rejected claims 42-57 and 61-62 under 35 U.S.C. §112, first paragraph, as the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Again, the Applicant disagrees with the Examiner's assessment on this basis. Applicant maintains that the specification sufficiently enables one of ordinary skill in the art to make and use binding peptides that comprise a CDR from one of the deposited antibodies or a conservatively substituted version thereof. Applicant maintains that undue experimentation would not be required. One of ordinary skill in the art could easily obtain the sequence of one or more of the CDRs of any of the three deposited antibodies, produce a peptide comprising such a CDR and determine its ability to bind human mannose binding lectin. It would also require only routine experimentation for one of ordinary skill in the art to make a conservatively substituted version of a CDR, which is a rather short peptide. However, as the rejected claims are canceled herein, the rejection is now moot.

Accordingly, withdrawal of the rejection of claims 42-57 and 61-62 under 35 U.S.C. §112 is respectfully requested.

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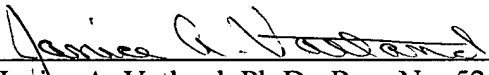
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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